

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit: 1733  
Examiner: Barbara J. Musser

Application of	:	Hans BÖMER, et al.
U.S. Serial No	:	10/089,387
International Application No.:	:	PCT/EP00/09572
Entitled	:	FLAT GABLE COMPOSITE PACKING PROVIDED WITH A RESEALABLE SPOUT AND PROCEDURE FOR ITS MANUFACTURE

**PETITION TO THE  
COMMISSIONER  
UNDER 37 C.F.R.  
§1.181 TO  
WITHDRAW  
HOLDING OF  
ABANDONMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**Silvia Salvadori**

Name of person signing the certification

**January 23, 2003**

Signature

Date

Sir:

This is a Petition to Withdraw the Holding of Abandonment of the above-identified patent application. The facts of such abandonment are as follows. A Notice of Abandonment, mailed on November 27, 2002, indicates that the above-identified patent application went abandoned for "applicants' failure to timely or properly reply to the Notice to File Missing Requirements mailed on June 27, 2002." However, as indicated in

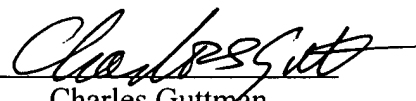
the Notice to File Missing Requirements, the time period for responding to the Notice of Missing Requirements may be extended by filing a petition and fee for extension of time under the provision of 37 C.F.R. 1.136(a). Since the 2-month time period for reply to this Notice to File Missing Requirements fell on August 27, 2002, a 5-month extension of time until January 27, 2003 is available.

Accordingly, it is submitted that the Notice of Abandonment for the above-identified patent application was issued in error and should be withdrawn for the reasons set forth above. Applicants' present submission to the Notice to File Missing Requirements with a request for a 5 month extension of time until January 27, 2003, is considered timely.

It is believed that this Petition is necessitated by an error on the part of the PTO and therefore no fee is required. However, if any fee is necessary in connection with this Petition, please deduct such fee from Deposit Account No. 16-2500 of the undersigned.

Respectfully submitted  
PROSKAUER ROSE LLP  
Attorney for Applicants

Date: January 23, 2003

By:   
Charles Guttman  
Reg. No. 29,161

PROSKAUER ROSE LLP  
1585 Broadway  
New York, N.Y. 10036  
(212) 969-3000